

File No. 567

(Reprint of File No. 195)

Substitute House Bill No. 5321
As Amended by House Amendment
Schedules "A", "B" and "C"

Approved by the Legislative Commissioner
April 17, 1998

AN ACT CONCERNING COURT OPERATIONS AND PROCEDURES.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Section 1. (NEW) (a) For the purposes of this
2 section, "employees of the Judicial Department"
3 shall not include employees of the courts of
4 probate or the Public Defender Services
5 Commission, and "records" shall not include
6 records maintained by the courts of probate or the
7 Public Defender Services Commission.

8 (b) Notwithstanding any other provision of the
9 general statutes, employees of the Judicial
10 Department shall, in the performance of their
11 duties, have the right of access to all records
12 maintained by the Judicial Department.

13 Sec. 2. Section 13a-103 of the general
14 statutes is repealed and the following is
15 substituted in lieu thereof:

16 Whenever any town fails to keep any highway
17 within such town in good and sufficient repair or
18 whenever the selectmen of any town fail to remove
19 or cause to be removed any encroachments upon any
20 highway in such town or to make such alterations
21 or improvements therein as may be required by
22 common convenience or necessity, the superior

23 court for the judicial district in which such
24 highway is located, upon the written complaint of
25 six or more citizens of this state under oath,
26 after due inquiry made by it, shall appoint a time
27 and place when and where all persons interested
28 may appear and be heard upon the propriety of such
29 repairs, or of the removal of such encroachments,
30 or of the making of such alterations and
31 improvements. [, and shall give notice thereof] IF
32 A TIME AND PLACE FOR HEARING IS SET BY THE COURT,
33 THE CLERK SHALL DELIVER TO THE COMPLAINANTS OR
34 THEIR ATTORNEYS THE DOCUMENTS SET FORTH IN THIS
35 SECTION FOR SERVICE BY A PROPER OFFICER. NOTICE
36 SHALL BE GIVEN to the first selectman of such town
37 and to the person or persons maintaining such
38 encroachments by causing a true and attested copy
39 of such complaint, accompanied with a summons
40 notifying such parties of such time and place, to
41 be left with each of such parties, or at his usual
42 place of abode, by some proper officer at least
43 six days inclusive before the day appointed for
44 the hearing; but, before issuing any summons on
45 such complaint, the court shall require of the
46 complainants a sufficient bond for costs to the
47 adverse parties and may, any time thereafter,
48 require further bond for such costs. If the court
49 finds that such highway should be repaired or that
50 such encroachments should be removed or that such
51 alterations and improvements should be made, it
52 shall order the selectmen of such town to cause
53 such highway to be repaired and such encroachments
54 to be removed and such alterations and
55 improvements to be made, and shall prescribe the
56 manner and extent of such repairs and of the
57 removal of such encroachments and of the making of
58 such alterations and improvements and the time
59 within which the work shall be done, and may, for
60 reasonable cause, extend such time. The court
61 shall assess the benefits resulting from such
62 repairs or removal of encroachments or such
63 alterations and improvements against any of the
64 parties to be benefited, including such town. Such
65 benefits as to such parties other than such town
66 may be collected in the same manner as town taxes
67 are collected.

68 Sec. 3. Section 14-140 of the general statutes
69 is repealed and the following is substituted in
70 lieu thereof:

71 (a) Any person who has been arrested by an
72 officer for a violation of any provision of any
73 statute relating to motor vehicles may be
74 released, upon his own recognizance, by such
75 officer in his discretion, unless such violation
76 is of a provision relating to driving while under
77 the influence of intoxicating liquor or drugs or
78 using a motor vehicle without permission of the
79 owner or evading responsibility for personal
80 injury or property damage or involves the death or
81 serious injury of another, in which cases such
82 person shall not be released on his own
83 recognizance.

84 (b) If any person so arrested or summoned
85 wilfully fails to appear for any scheduled court
86 appearance at the time and place assigned, or if
87 any person charged with an infraction involving
88 the use of a motor vehicle, or with a motor
89 vehicle violation specified in section 51-164n,
90 fails to pay the fine and any additional fee
91 imposed or send in his plea of not guilty by the
92 answer date or wilfully fails to appear for any
93 scheduled court appearance which may be required,
94 a report of such failure shall be sent to the
95 commissioner by the court having jurisdiction. The
96 provisions of this section shall be extended to
97 any nonresident owner or operator of a motor
98 vehicle residing in any state, the proper
99 authorities of which agree with the commissioner
100 to revoke, until personal appearance to answer the
101 charge against him, his motor vehicle registration
102 certificate or operator's license, upon his
103 failure to appear for any scheduled court
104 appearance. ANY INFRACTIONS OR VIOLATIONS, FOR
105 WHICH A REPORT OF FAILURE TO APPEAR HAS BEEN SENT
106 TO THE COMMISSIONER UNDER THIS SUBSECTION, THAT
107 HAVE NOT OTHERWISE BEEN DISPOSED OF SHALL BE
108 DISMISSED BY OPERATION OF LAW SEVEN YEARS AFTER
109 SUCH REPORT WAS SENT.

110 (c) The commissioner may enter into reciprocal
111 agreements with the proper authorities of other
112 states, which agreements may include provisions
113 for the suspension or revocation of licenses and
114 registrations of residents and nonresidents who
115 fail to appear for trial at the time and place
116 assigned.

117 (d) Any judgment under this section shall be
118 opened upon the payment to the clerk of the

119 Superior Court of a fee of forty dollars. Such
120 filing fee may be waived by the court.

121 (e) In addition, the provisions of subsection
122 (b) of this section shall apply to sections
123 29-322, 29-332, 29-339, 29-349 and 29-351.

124 Sec. 4. Subsection (h) of section 51-61 of the
125 general statutes is repealed and the following is
126 substituted in lieu thereof:

127 (h) All records of the proceedings taken on
128 the trial of any action shall, within thirty days
129 after the action has been submitted, be filed with
130 the clerk OR THE CLERK'S DESIGNEE, except that for
131 the purpose of transcribing such records the court
132 reporter or monitor may at any time withdraw them
133 for a reasonable time.

134 Sec. 5. Section 51-199 of the general
135 statutes, as amended by section 2 of public act
136 97-178, is repealed and the following is
137 substituted in lieu thereof:

138 (a) The Supreme Court shall have final and
139 conclusive jurisdiction of all matters brought
140 before it according to law, and may carry into
141 execution all its judgments and decrees and
142 institute rules of practice and procedure as to
143 matters before it.

144 (b) The following matters shall be taken
145 directly to the Supreme Court: (1) Any matter
146 brought pursuant to the original jurisdiction of
147 the Supreme Court under section 2 of article
148 sixteen of the amendments to the Constitution; (2)
149 an appeal in any matter where the Superior Court
150 declares invalid a state statute or a provision of
151 the state Constitution; (3) an appeal in any
152 criminal action involving a conviction for a
153 capital felony, CLASS A FELONY, OR OTHER FELONY,
154 INCLUDING ANY PERSISTENT OFFENDER STATUS, FOR
155 WHICH THE MAXIMUM SENTENCE WHICH MAY BE IMPOSED
156 EXCEEDS TWENTY YEARS; (4) review of a sentence of
157 death pursuant to section 53a-46b; (5) any
158 election or primary dispute brought to the Supreme
159 Court pursuant to section 9-323 or section 9-325;
160 (6) an appeal of any reprimand or censure of a
161 probate judge, pursuant to section 45a-65; (7) any
162 matter regarding judicial removal or suspension
163 pursuant to section 51-51j; (8) an appeal of any
164 decision of the Judicial Review Council pursuant
165 to section 51-51r; (9) any matter brought to the
166 Supreme Court pursuant to section 52-265a; (10)

167 writs of error, pursuant to section 52-272; and
168 (11) any other matter as provided by law.

169 (c) The Supreme Court may transfer to itself a
170 cause in the Appellate Court. Except for any
171 matter brought pursuant to its original
172 jurisdiction under section 2 of article sixteen of
173 the amendments to the Constitution, the Supreme
174 Court may transfer a cause or class of causes from
175 itself, including any cause or class of causes
176 pending on July 1, 1983, to the Appellate Court.
177 The court to which a cause is transferred has
178 jurisdiction.

179 Sec. 6. Section 51-217a of the general
180 statutes is repealed and the following is
181 substituted in lieu thereof:

182 (a) A person shall be excused from jury
183 service during the jury year commencing September
184 1, [1987] 1999, and each jury year thereafter,
185 upon request of that person, if during the next
186 [two] THREE preceding JURY years such person
187 appeared in a court for jury service and was not
188 excused from such jury service.

189 (b) The court shall have authority to excuse a
190 juror from juror service, upon a finding of
191 extreme hardship.

192 Sec. 7. Section 51-222a of the general
193 statutes, as amended by section 6 of public act
194 97-200, is repealed and the following is
195 substituted in lieu thereof:

196 (a) Annually, upon the request of the Jury
197 Administrator, the Commissioner of Motor Vehicles
198 shall supply the Jury Administrator with the
199 latest updated file of licensed motor vehicle
200 operators for the state. Upon the request of the
201 Jury Administrator, the Commissioner of Revenue
202 Services shall supply the Jury Administrator with
203 the most recent updated list of residents of this
204 state who have a permanent place of abode in this
205 state and [are subject to taxation on personal
206 income under chapter 229] WHO FILED A RETURN ON
207 PERSONAL INCOME UNDER CHAPTER 229 IN THE LAST TAX
208 YEAR, and the Labor Commissioner shall supply the
209 Jury Administrator with the most recent updated
210 list of residents of this state who are recipients
211 of unemployment compensation under chapter 567. In
212 addition, upon the request of the Jury
213 Administrator, the registrar of voters of each
214 town shall supply a list of all electors from

215 their town, except that in lieu of such list from
216 the registrar of voters, the Jury Administrator
217 may obtain the list of all electors from a central
218 repository, or if such list is not available, may
219 contract for the creation and purchase of such
220 list. The registrars of voters shall provide lists
221 of electors to the contractor at the request of
222 the Jury Administrator. The lists supplied to the
223 Jury Administrator under this subsection shall be
224 in the format prescribed by the Jury Administrator
225 and shall include, at a minimum, the name, address
226 and, if available, the federal Social Security
227 number and date of birth of each person on such
228 list or the reason for the unavailability.

229 (b) The Jury Administrator shall compile a
230 list of names of electors, residents of this state
231 appearing on the most recent updated list of
232 operators of motor vehicles licensed pursuant to
233 chapter 246, residents [subject to taxation on
234 personal income under chapter 229] WHO FILED A
235 RETURN ON PERSONAL INCOME UNDER CHAPTER 229 IN THE
236 LAST TAX YEAR and recipients of unemployment
237 compensation under chapter 567.

238 (c) Annually the Jury Administrator shall
239 combine the names from the lists compiled under
240 subsection (b) of this section. The Jury
241 Administrator shall delete, where possible,
242 duplicate names in order to insure that names
243 occurring on any list are given only a single
244 chance to be selected.

245 (d) The Jury Administrator shall select, by
246 random from the list compiled as provided in
247 subsection (c) of this section, the number of
248 names required by section 51-220. These names for
249 each town in the state and the names of persons
250 whose jury service was continued from the previous
251 jury year shall constitute such town's final list
252 of prospective jurors for service starting the
253 next succeeding September. The final list for each
254 town shall contain the name and street address of
255 each prospective juror.

256 (e) If the Jury Administrator determines at
257 any time that there is a need to supplement the
258 number of names on the final list of jurors for
259 each town within a judicial district, the Jury
260 Administrator, so far as he is able, shall select
261 in proportion to the population of each town, by
262 random, from the names not selected pursuant to

263 subsection (d) of this section such number of
264 prospective jurors as he determines is necessary.

265 Sec. 8. Subsection (b) of section 52-174 of
266 the general statutes is repealed and the following
267 is substituted in lieu thereof:

268 (b) In all actions for the recovery of damages
269 for personal injuries or death, pending on October
270 1, 1977, or brought thereafter, AND IN ALL COURT
271 PROCEEDINGS IN FAMILY RELATIONS MATTERS, AS
272 DEFINED IN SECTION 46b-1, OR IN THE FAMILY SUPPORT
273 MAGISTRATE DIVISION, PENDING ON OCTOBER 1, 1998,
274 OR BROUGHT THEREAFTER, any party offering in
275 evidence a signed report and bill for treatment of
276 any treating physician, dentist, chiropractor,
277 osteopath, natureopath, physical therapist,
278 podiatrist, psychologist, emergency medical
279 technician or optometrist may have the report and
280 bill admitted into evidence as a business entry
281 and it shall be presumed that the signature on the
282 report is that of the treating physician, dentist,
283 chiropractor, osteopath, natureopath, physical
284 therapist, podiatrist, psychologist, emergency
285 medical technician or optometrist and that the
286 report and bill were made in the ordinary course
287 of business. The use of any such report or bill in
288 lieu of the testimony of such treating physician,
289 dentist, chiropractor, osteopath, natureopath,
290 physical therapist, podiatrist, psychologist,
291 emergency medical technician or optometrist shall
292 not give rise to any adverse inference concerning
293 the testimony or lack of testimony of such
294 treating physician, dentist, chiropractor,
295 osteopath, natureopath, physical therapist,
296 podiatrist, psychologist, emergency medical
297 technician or optometrist.

298 Sec. 9. Section 54-76c of the general statutes
299 is repealed and the following is substituted in
300 lieu thereof:

301 In any case where an information or complaint
302 has been laid charging a defendant with the
303 commission of a crime, and where it appears that
304 the defendant is a youth, upon motion of the
305 defendant, his counsel, the state's attorney or
306 the prosecuting attorney, as the case may be, to
307 the court having jurisdiction that an
308 investigation be made of such defendant for the
309 purpose of determining whether he is eligible to
310 be adjudged a youthful offender, the court shall,

311 but only as to the public, order [such information
312 or complaint to be filed as a sealed information
313 or complaint] THE COURT FILE SEALED. The court on
314 its own motion may, but only as to the public,
315 order the [information or complaint] COURT FILE
316 sealed in the case of a youth charged with crime.

317 Sec. 10. Section 54-761 of the general
318 statutes is repealed and the following is
319 substituted in lieu thereof:

320 (a) The records of any youth adjudged a
321 youthful offender, including fingerprints,
322 photographs and physical descriptions, shall be
323 confidential and shall not be open to public
324 inspection or be disclosed except as provided in
325 this section, but such fingerprints, photographs
326 and physical descriptions submitted to the State
327 Police Bureau of Identification of the Division of
328 State Police within the Department of Public
329 Safety at the time of the arrest of a person
330 subsequently adjudged a youthful offender shall be
331 retained as confidential matter in the files of
332 such bureau, and be opened to inspection only as
333 hereinafter provided. Other data ordinarily
334 received by such bureau, with regard to persons
335 arrested for a crime, shall be forwarded to the
336 bureau to be filed, in addition to the
337 fingerprints, photographs and physical
338 descriptions as mentioned above, and be retained
339 in the division as confidential information, open
340 to inspection only as hereinafter provided.

341 (b) The records of any youth adjudged a
342 youthful offender, or any part thereof, may be
343 disclosed to and between individuals and agencies,
344 and employees of such agencies, providing services
345 directly to the youth including law enforcement
346 officials, state and federal prosecutorial
347 officials, school officials in accordance with
348 section 10-233h, court officials, the Division of
349 Criminal Justice, the Office of Adult Probation,
350 the Office of the Bail Commission, the Board of
351 Parole and an advocate appointed pursuant to
352 section 54-221 for a victim of a crime committed
353 by the youth. Such records shall ALSO be available
354 to the attorney representing the [child] YOUTH, IN
355 ANY PROCEEDINGS IN WHICH SUCH RECORDS ARE
356 RELEVANT, TO his parents or guardian, UNTIL SUCH
357 TIME AS THE YOUTH REACHES THE AGE OF MAJORITY OR
358 IS EMANCIPATED, AND TO THE YOUTH UPON HIS

359 ATTAINMENT OF THE AGE OF MAJORITY, PROVIDED PROOF
360 OF THE IDENTITY OF SUCH YOUTH IS SUBMITTED IN
361 ACCORDANCE WITH GUIDELINES PRESCRIBED BY THE CHIEF
362 COURT ADMINISTRATOR. Such records disclosed
363 pursuant to this subsection shall not be further
364 disclosed.

365 (c) The records of any youth adjudged a
366 youthful offender, or any part thereof, may be
367 disclosed upon order of the court to any person
368 who has a legitimate interest in the information
369 and is identified in such order. Records or
370 information disclosed pursuant to this subsection
371 shall not be further disclosed.

372 (d) The records of any youth adjudged a
373 youthful offender, or any part thereof, shall be
374 available to the victim of the crime committed by
375 such youth to the same extent as the record of the
376 case of a defendant in a criminal proceeding in
377 the regular criminal docket of the Superior Court
378 is available to a victim of the crime committed by
379 such defendant. The court shall designate an
380 official from whom such victim may request such
381 information. Information disclosed pursuant to
382 this subsection shall not be further disclosed.

383 (e) Any reports and files held by the Office
384 of Adult Probation regarding any youth adjudged a
385 youthful offender may be disclosed to the Office
386 of the Bail Commission for the purpose of
387 performing the duties contained in section 54-63b.

388 Sec. 11. Section 54-56g of the general
389 statutes, as amended by section 14 of public act
390 97-309 and section 32 of public act 97-8 of the
391 June 18 special session, is repealed and the
392 following is substituted in lieu thereof:

393 (a) There shall be a pretrial alcohol
394 education system for persons charged with a
395 violation of section 14-227a. Upon application by
396 any such person for participation in such system
397 and payment to the court of an application fee of
398 fifty dollars, the court shall, but only as to the
399 public, order [such information or complaint to be
400 filed as a sealed information or complaint] THE
401 COURT FILE SEALED, provided such person states
402 under oath, in open court or before any person
403 designated by the clerk and duly authorized to
404 administer oaths, under penalties of perjury that
405 he has never had such system invoked in his behalf
406 and that he has not been convicted of a violation

407 of section 53a-56b or 53a-60d, a violation of
408 subsection (a) of section 14-227a before or after
409 October 1, 1981, or a violation of subdivision (1)
410 or (2) of subsection (a) of section 14-227a on or
411 after October 1, 1985, and that he has not been
412 convicted in any other state at any time of an
413 offense the essential elements of which are
414 substantially the same as section 53a-56b or
415 53a-60d or subdivision (1) or (2) of subsection
416 (a) of section 14-227a. Unless good cause is
417 shown, a person shall be ineligible for
418 participation in such pretrial alcohol education
419 system if his alleged violation of section 14-227a
420 caused the serious physical injury, as defined in
421 section 53a-3, of another person. The fee imposed
422 by this subsection shall be credited to the
423 Criminal Injuries Compensation Fund established by
424 section 54-215.

425 (b) The court, after consideration of the
426 recommendation of the state's attorney, assistant
427 state's attorney or deputy assistant state's
428 attorney in charge of the case, may, in its
429 discretion, grant such application. If the court
430 grants such application, it shall refer such
431 person to the Bail Commission for assessment and
432 confirmation of the eligibility of the applicant.
433 The Bail Commission, in making its assessment and
434 confirmation, may rely on the representations made
435 by the applicant under oath in open court with
436 respect to convictions in other states of offenses
437 specified in subsection (a) of this section. Upon
438 confirmation of eligibility, the defendant shall
439 be referred to the Department of Mental Health and
440 Addiction Services by the Bail Commission for
441 evaluation and placement in an appropriate alcohol
442 program for one year. Any person who enters the
443 system shall agree: (1) To the tolling of the
444 statute of limitations with respect to such crime,
445 (2) to a waiver of his right to a speedy trial,
446 (3) to participate in at least ten counseling
447 sessions in an alcohol program pursuant to this
448 section and complete the assigned program, and (4)
449 to accept placement in a treatment program upon
450 recommendation of a provider under contract with
451 the Department of Mental Health and Addiction
452 Services pursuant to subsection (d) of this
453 section or placement in a treatment program which
454 has standards substantially similar to, or higher

455 than, a program of a provider under contract with
456 the Department of Mental Health and Addiction
457 Services if the Bail Commission deems it
458 appropriate. The suspension of the motor vehicle
459 operator's license of any such person pursuant to
460 section 14-227b shall be effective during the
461 period such person is participating in such
462 program, provided such person shall have the
463 option of not commencing the participation in such
464 program until the period of such suspension is
465 completed. If the Bail Commission informs the
466 court that the defendant is ineligible for the
467 system and the court makes a determination of
468 ineligibility or if the program provider certifies
469 to the court that the defendant did not
470 successfully complete the assigned program or is
471 no longer amenable to treatment, the court shall
472 order the [information or complaint] COURT FILE to
473 be unsealed, enter a plea of not guilty for such
474 defendant and immediately place the case on the
475 trial list. If such defendant satisfactorily
476 completes the assigned program he may apply for
477 dismissal of the charges against him and the
478 court, on reviewing the record of his
479 participation in such program submitted by the
480 Bail Commission and on finding such satisfactory
481 completion, shall dismiss the charges. If the
482 defendant does not apply for dismissal of the
483 charges against him after satisfactorily
484 completing the assigned program the court, upon
485 receipt of the record of his participation in such
486 program submitted by the Bail Commission, may on
487 its own motion make a finding of such satisfactory
488 completion and dismiss the charges. Upon motion of
489 the defendant and a showing of good cause, the
490 court may extend the one-year placement period for
491 a reasonable period for the defendant to complete
492 the assigned program. A record of participation in
493 such program shall be retained by the Bail
494 Commission for a period of seven years from the
495 date of application. The Bail Commission shall
496 transmit to the Department of Motor Vehicles a
497 record of participation in such program for each
498 person who satisfactorily completes such program.
499 The Department of Motor Vehicles shall maintain
500 for a period of seven years the record of a
501 person's participation in such program as part of
502 such person's driving record.

503 (c) At the time the court grants the
504 application for participation in the pretrial
505 alcohol education system, such person shall also
506 pay to the court a nonrefundable program fee of
507 four hundred twenty-five dollars, except that no
508 person may be excluded from such program for
509 inability to pay such fee, provided (1) such
510 person files with the court an affidavit of
511 indigency or inability to pay, (2) such indigency
512 is confirmed by the Bail Commission, and (3) the
513 court enters a finding thereof. If the court
514 denies the application, such person shall not be
515 required to pay the program fee. If the court
516 grants the application, and such person is later
517 determined to be ineligible for participation in
518 such pretrial alcohol education system or fails to
519 complete the assigned program, the
520 four-hundred-twenty-five-dollar program fee shall
521 not be refunded. All such program fees shall be
522 credited to the General Fund.

523 (d) The Department of Mental Health and
524 Addiction Services shall contract with service
525 providers, develop standards and oversee
526 appropriate alcohol programs to meet the
527 requirements of this section. Said department
528 shall adopt regulations in accordance with chapter
529 54 to establish standards for such alcohol
530 programs. Any defendant whose employment or
531 residence makes it unreasonable to attend an
532 alcohol program in this state may attend a program
533 in another state which has standards substantially
534 similar to, or higher than, those of this state,
535 subject to the approval of the court and payment
536 of the application and program fees as provided in
537 this section.

538 Sec. 12. Section 51-219a of the general
539 statutes, as amended by section 4 of public act
540 97-200, is repealed and the following is
541 substituted in lieu thereof:

542 (a) The Jury Administrator, who is appointed
543 in accordance with section 51-10 and subject to
544 supervision by the Chief Court Administrator,
545 shall be responsible for qualifying, summoning,
546 selecting, managing and utilizing jurors in the
547 Superior Court.

548 (b) The Jury Administrator, subject to the
549 approval of the Chief Court Administrator, shall
550 have the authority to study and to implement

551 procedures for the improvement of jury
552 administration, for the reduction of costs of
553 selection and management of jurors, and for the
554 more effective utilization of jurors.

555 (c) THE JURY ADMINISTRATOR SHALL HAVE THE
556 AUTHORITY TO CANCEL THE SERVICE OF ANY JUROR FOR
557 GOOD CAUSE, INCLUDING, BUT NOT LIMITED TO, THE
558 FOLLOWING: (1) THE TOWN IN WHICH THE JUROR RESIDES
559 IS REASSIGNED TO A DIFFERENT JUDICIAL DISTRICT
560 THAN THAT TO WHICH THE JUROR WAS ORIGINALLY
561 SUMMONED, OR (2) THERE IS A REDUCTION IN THE NEED
562 FOR JURORS. WHEN JURY SERVICE IS CANCELED DUE TO A
563 REDUCTION IN THE NEED FOR JURORS, INDIVIDUALS
564 SHALL BE SELECTED ON A RANDOM BASIS FOR
565 CANCELLATION OF JURY SERVICE.

566 Sec. 13. Section 51-344 of the general
567 statutes, as amended by sections 4 to 6,
568 inclusive, of public act 95-220 and section 1 of
569 public act 97-16, is repealed and the following is
570 substituted in lieu thereof:

571 For purposes of establishing venue, the
572 Superior Court shall consist of the following
573 judicial districts:

574 (1) The judicial district of Ansonia-Milford,
575 consisting of the towns of Ansonia, Beacon Falls,
576 Derby, Milford, Orange, Oxford, Seymour, Shelton
577 and West Haven;

578 (2) The judicial district of Danbury,
579 consisting of the towns of Bethel, Brookfield,
580 Danbury, New Fairfield, Newtown, Redding,
581 Ridgefield and Sherman;

582 (3) The judicial district of Fairfield,
583 consisting of the towns of Bridgeport, Easton,
584 Fairfield, Monroe, Stratford and Trumbull;

585 (4) The judicial district of Hartford,
586 consisting of the towns of Avon, Bloomfield,
587 Canton, East Granby, East Hartford, East Windsor,
588 Enfield, Farmington, Glastonbury, Granby,
589 Hartford, Manchester, Marlborough, [Newington,
590 Rocky Hill,] Simsbury, South Windsor, Suffield,
591 West Hartford, [Wethersfield,] Windsor [,] and
592 Windsor Locks;

593 (5) The judicial district of Litchfield,
594 consisting of the towns of Barkhamsted, Bethlehem,
595 Bridgewater, Canaan, Colebrook, Cornwall, Goshen,
596 Hartland, Harwinton, Kent, Litchfield, Morris, New
597 Hartford, New Milford, Norfolk, North Canaan,

598 Roxbury, Salisbury, Sharon, Thomaston, Torrington,
599 Warren, Washington and Winchester;

600 (6) The judicial district of Middlesex,
601 consisting of the towns of Chester, Clinton,
602 Cromwell, Deep River, Durham, East Haddam, East
603 Hampton, Essex, Haddam, Killingworth, Middlefield,
604 Middletown, Old Saybrook, Portland and Westbrook;

605 (7) The judicial district of New Britain,
606 consisting of the towns of Berlin, Bristol,
607 Burlington, New Britain, NEWINGTON, Plainville,
608 Plymouth, [and] ROCKY HILL, Southington AND
609 WETHERSFIELD;

610 (8) The judicial district of New Haven,
611 consisting of the towns of Bethany, Branford,
612 Cheshire, East Haven, Guilford, Hamden, Madison,
613 Meriden, New Haven, North Branford, North Haven,
614 Wallingford and Woodbridge;

615 (9) The judicial district of New London,
616 consisting of the towns of Bozrah, Colchester,
617 East Lyme, Franklin, Griswold, Groton, Lebanon,
618 Ledyard, Lisbon, Lyme, Montville, New London,
619 North Stonington, Norwich, Old Lyme, Preston,
620 Salem, Sprague, Stonington, Voluntown and
621 Waterford;

622 (10) The judicial district of
623 Stamford-Norwalk, consisting of the towns of
624 Darien, Greenwich, New Canaan, Norwalk, Stamford,
625 Weston, Westport and Wilton;

626 (11) The judicial district of Tolland,
627 consisting of the towns of Andover, Bolton,
628 Columbia, Coventry, Ellington, Hebron, Mansfield,
629 Somers, Stafford, Tolland, Union, Vernon and
630 Willington;

631 (12) The judicial district of Waterbury,
632 consisting of the towns of Middlebury, Naugatuck,
633 Prospect, Southbury, Waterbury, Watertown, Wolcott
634 and Woodbury; and

635 (13) The judicial district of Windham,
636 consisting of the towns of Ashford, Brooklyn,
637 Canterbury, Chaplin, Eastford, Hampton, Killingly,
638 Plainfield, Pomfret, Putnam, Scotland, Sterling,
639 Thompson, Windham and Woodstock.

640 Sec. 14. Section 51-345 of the general
641 statutes, as amended by section 10 of public act
642 97-40, is repealed and the following is
643 substituted in lieu thereof:

644 (a) Except as provided in section 51-348 and
645 subsections (b) to (g), inclusive, of this

646 section, all civil process shall be made
647 returnable to a judicial district, as follows:

648 (1) If all the parties reside outside this
649 state, to the judicial district where (A) the
650 injury occurred, (B) the transaction occurred, or
651 (C) the property is located or lawfully attached.

652 (2) If the defendant is not a resident, to the
653 judicial district where the attached property is
654 located.

655 (3) If either or both the plaintiff or
656 defendant are residents of this state, to the
657 judicial district where either the plaintiff or
658 defendant resides, except:

659 (A) If either the plaintiff or the defendant
660 resides in the town of Manchester, East Windsor,
661 South Windsor or Enfield, the action may be made
662 returnable at the option of the plaintiff to
663 either the judicial district of Hartford or the
664 judicial district of Tolland.

665 (B) If either the plaintiff or the defendant
666 resides in the town of Plymouth, the action may be
667 made returnable at the option of the plaintiff to
668 either the judicial district of New Britain or the
669 judicial district of Waterbury.

670 (C) If either the plaintiff or the defendant
671 resides in the town of Bethany, Milford, West
672 Haven or Woodbridge, the action may be made
673 returnable at the option of the plaintiff to
674 either the judicial district of New Haven or the
675 judicial district of Ansonia-Milford.

676 (D) If either the plaintiff or the defendant
677 resides in the town of Southbury, the action may
678 be made returnable at the option of the plaintiff
679 to either the judicial district of Ansonia-Milford
680 or the judicial district of Waterbury.

681 (E) If either the plaintiff or defendant
682 resides in the town of Darien, Greenwich, New
683 Canaan, Norwalk, Stamford, Weston, Westport or
684 Wilton, the action may be made returnable at the
685 option of the plaintiff to either the judicial
686 district of Stamford-Norwalk or the judicial
687 district of Fairfield.

688 (F) If either the plaintiff or defendant
689 resides in the town of Watertown or Woodbury, the
690 action may be made returnable at the option of the
691 plaintiff to either the judicial district of
692 Waterbury or the judicial district of Litchfield.

693 (G) If either the plaintiff or defendant
694 resides in the town of Avon, Canton, Farmington or
695 Simsbury, the action may be made returnable at the
696 option of the plaintiff to either the judicial
697 district of Hartford or the judicial district of
698 New Britain.

699 (H) If either the plaintiff or defendant
700 resides in the town of Newington, ROCKY HILL OR
701 WETHERSFIELD, the action may be made returnable at
702 the option of the plaintiff to either the judicial
703 district of Hartford or the judicial district of
704 New Britain, except for actions where venue is in
705 the geographical area as provided in section
706 51-348 or in rules of court.

707 (I) If either the plaintiff or defendant
708 resides in the town of Cromwell, the action may be
709 made returnable at the option of the plaintiff to
710 either the judicial district of Hartford or the
711 judicial district of Middlesex.

712 (b) In all actions involving the title to
713 land, for trespass to land and to foreclose or
714 redeem mortgages or liens upon real property,
715 civil process shall be made returnable to the
716 judicial district where the real property is
717 located, either entirely or in part, except:

718 (1) If the land is located in the town of
719 Manchester, East Windsor, South Windsor or Enfield
720 and either the plaintiff or the defendant resides
721 in the town of Manchester, East Windsor, South
722 Windsor or Enfield, the action may be made
723 returnable at the option of the plaintiff to
724 either the judicial district of Hartford or the
725 judicial district of Tolland.

726 (2) If the land is located in the town of
727 Plymouth and either the plaintiff or the defendant
728 resides in the town of Plymouth, the action may be
729 made returnable at the option of the plaintiff to
730 either the judicial district of New Britain or the
731 judicial district of Waterbury.

732 (3) If the land is located in the town of
733 Bethany, Milford, West Haven or Woodbridge and
734 either the plaintiff or the defendant resides in
735 the town of Bethany, Milford, West Haven or
736 Woodbridge, the action may be made returnable at
737 the option of the plaintiff to either the judicial
738 district of New Haven or the judicial district of
739 Ansonia-Milford.

740 (4) If the land is located in the town of
741 Southbury and either the plaintiff or the
742 defendant resides in the town of Southbury, the
743 action may be made returnable at the option of the
744 plaintiff to either the judicial district of
745 Ansonia-Milford or the judicial district of
746 Waterbury.

747 (5) If the land is located in the town of
748 Weston, Westport or Wilton and either the
749 plaintiff or the defendant resides in any one of
750 these towns, the action may be made returnable at
751 the option of the plaintiff to either the judicial
752 district of Stamford-Norwalk or the judicial
753 district of Fairfield.

754 (6) If the land is located in the town of
755 Watertown or Woodbury and either the plaintiff or
756 the defendant resides in the town of Watertown or
757 Woodbury, the action may be made returnable at the
758 option of the plaintiff to either the judicial
759 district of Waterbury or the judicial district of
760 Litchfield.

761 (7) If the land is located in the town of
762 Avon, Canton, Farmington or Simsbury and either
763 the plaintiff or the defendant resides in the town
764 of Avon, Canton, Farmington or Simsbury, the
765 action may be made returnable at the option of the
766 plaintiff to either the judicial district of
767 Hartford or the judicial district of New Britain.

768 (8) If the land is located in the town of
769 Newington, ROCKY HILL OR WETHERSFIELD and either
770 the plaintiff or the defendant resides in the town
771 of Newington, ROCKY HILL OR WETHERSFIELD, the
772 action may be made returnable at the option of the
773 plaintiff to either the judicial district of
774 Hartford or the judicial district of New Britain,
775 except for actions where venue is in the
776 geographical area as provided in section 51-348 or
777 in rules of court.

778 (c) In all actions by a corporation, except
779 actions made returnable under subsection (b), (d)
780 or (g) of this section, civil process shall be
781 made returnable as follows:

782 (1) If the plaintiff is either a domestic
783 corporation or a United States corporation and the
784 defendant is a resident, either (A) to the
785 judicial district where the plaintiff has an
786 office or place of business or (B) to the judicial
787 district where the defendant resides.

788 (2) If the plaintiff is either a domestic
789 corporation or a United States corporation and the
790 defendant is a corporation, domestic or foreign,
791 to the judicial district where (A) the plaintiff
792 has an office or place of business, (B) the injury
793 occurred, (C) the transaction occurred, or (D) the
794 property is located or lawfully attached.

795 (3) If the plaintiff is a foreign corporation
796 and the defendant is a resident, to the judicial
797 district where the defendant resides.

798 (4) If the plaintiff is a foreign corporation
799 and the defendant is a corporation, domestic or
800 foreign, to the judicial district where (A) the
801 injury occurred, (B) the transaction occurred, or
802 (C) the property is located or lawfully attached.

803 (d) In all actions involving consumer
804 transactions, civil process shall be made
805 returnable to the judicial district where the
806 consumer resides or where the transaction
807 occurred. For the purposes of this subsection,
808 consumer transaction means a transaction in which
809 a natural person obligates himself to pay for
810 goods sold or leased, services rendered or moneys
811 loaned for personal, family or household purposes.

812 (e) In all actions for the partition or sale
813 of any property, civil process shall be made
814 returnable to the judicial district where the
815 parties, or one of them, reside; but, if none of
816 them resides in this state, then to the judicial
817 district where all or a part of the property is
818 located.

819 (f) In all actions by a nonresident executor,
820 trustee under a will or administrator, civil
821 process shall be made returnable to the same
822 judicial district as would be proper if the
823 plaintiff resided in the town where the court of
824 probate which granted administration is held.

825 (g) In small claims matters, civil process
826 shall be made returnable to a Superior Court
827 facility designated by the Chief Court
828 Administrator to serve the small claims area
829 within the boundaries of the judicial district
830 where the plaintiff resides, where the defendant
831 resides or is doing business or where the
832 transaction or injury occurred.

833 Sec. 15. Section 51-181 of the general
834 statutes is repealed and the following is
835 substituted in lieu thereof:

836 (a) The Superior Court shall sit continuously
837 throughout the year, at such times and places and
838 for such periods as are set by the Chief Court
839 Administrator or, with the approval of the Chief
840 Court Administrator, his designee, in the
841 following cities or towns except as otherwise
842 provided by law: (1) In the judicial district of
843 Ansonia-Milford, at Ansonia or Derby and at
844 Milford; (2) in the judicial district of Danbury,
845 at Danbury; (3) in the judicial district of
846 Fairfield, at Bridgeport; (4) in the judicial
847 district of Hartford, at Hartford and, whenever
848 suitable accommodations are provided without
849 expense to the state, at Manchester; (5) in the
850 judicial district of Litchfield, at Litchfield,
851 New Milford, [and] Winchester and [, whenever
852 suitable accommodations are provided without
853 expense to the state, at] Torrington; (6) in the
854 judicial district of Middlesex, at Middletown; (7)
855 in the judicial district of New Britain, at New
856 Britain and Bristol; (8) in the judicial district
857 of New Haven, at New Haven and Meriden; (9) in the
858 judicial district of New London, at Norwich and
859 New London; (10) in the judicial district of
860 Stamford-Norwalk, at Stamford; (11) in the
861 judicial district of Tolland, at Rockville; (12)
862 in the judicial district of Waterbury, at
863 Waterbury; and (13) in the judicial district of
864 Windham, at Putnam and Willimantic.

865 (b) The court shall sit not less than forty
866 weeks in Bristol and Stamford.

867 Sec. 16. Section 54-56e of the general
868 statutes, as amended by section 10 of public act
869 97-248, is repealed and the following is
870 substituted in lieu thereof:

871 There shall be a pretrial program for
872 accelerated rehabilitation of persons accused of a
873 crime or crimes or a motor vehicle violation or
874 violations for which a sentence to a term of
875 imprisonment may be imposed, which crimes or
876 violations are not of a serious nature. The court
877 may, in its discretion, invoke such program on
878 motion of the defendant or on motion of a state's
879 attorney or prosecuting attorney with respect to
880 an accused who, the court believes, will probably
881 not offend in the future, who has no previous
882 record of conviction of a crime or of a violation
883 of section 14-196, subsection (c) of section

884 14-215, section 14-222a, subsection (a) of section
885 14-224 or section 14-227a, who has not previously
886 been adjudged a youthful offender ON OR AFTER
887 OCTOBER 1, 1995, under the provisions of sections
888 54-76b to 54-76n, inclusive, and who states under
889 oath, in open court or before any person
890 designated by the clerk and duly authorized to
891 administer oaths, under the penalties of perjury
892 that he has never had such program invoked in his
893 behalf, provided the defendant shall agree thereto
894 and provided notice has been given by the accused,
895 on a form approved by rule of court, to the victim
896 or victims of such crime or motor vehicle
897 violation, if any, by registered or certified mail
898 and such victim or victims have an opportunity to
899 be heard thereon. Any defendant who makes
900 application for participation in such program
901 shall pay to the court an application fee of
902 thirty-five dollars. This section shall not be
903 applicable to any person charged with a class A or
904 class B felony or a violation of section 14-227a,
905 subdivision (2) of section 53-21, section 53a-56b,
906 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a
907 or 53a-72b or to any person accused of a family
908 violence crime as defined in section 46b-38a who
909 (1) is eligible for the pretrial family violence
910 education program established under section
911 46b-38c, or (2) has previously had the pretrial
912 family violence education program invoked in his
913 behalf. Unless good cause is shown, this section
914 shall not be applicable to any person charged with
915 a class C felony. Any defendant who enters such
916 program shall pay to the court a participation fee
917 of one hundred dollars. Any defendant who enters
918 such program shall agree to the tolling of any
919 statute of limitations with respect to such crime
920 and to a waiver of his right to a speedy trial.
921 Any such defendant shall appear in court and
922 shall, under such conditions as the court shall
923 order, be released to the custody of the Office of
924 Adult Probation, except that, if a criminal docket
925 for drug-dependent persons has been established
926 pursuant to section 51-181b in the judicial
927 district, such defendant may be transferred, under
928 such conditions as the court shall order, to the
929 court handling such docket for supervision by such
930 court. If the defendant refuses to accept, or,
931 having accepted, violates such conditions, his

932 case shall be brought to trial. The period of such
933 probation or supervision, or both, shall not
934 exceed two years. If the defendant has reached the
935 age of sixteen years but has not reached the age
936 of eighteen years, the court may order that as a
937 condition of such probation the defendant be
938 referred for services to a youth service bureau
939 established pursuant to section 17a-39, provided
940 the court finds, through an assessment by a youth
941 service bureau or its designee, that the defendant
942 is in need of and likely to benefit from such
943 services. If a defendant released to the custody
944 of the Office of Adult Probation satisfactorily
945 completes his period of probation, he may apply
946 for dismissal of the charges against him and the
947 court, on finding such satisfactory completion,
948 shall dismiss such charges. If the defendant does
949 not apply for dismissal of the charges against him
950 after satisfactorily completing his period of
951 probation, the court, upon receipt of a report
952 submitted by the Office of Adult Probation that
953 the defendant satisfactorily completed his period
954 of probation, may on its own motion make a finding
955 of such satisfactory completion and dismiss such
956 charges. If a defendant transferred to the court
957 handling the criminal docket for drug-dependent
958 persons satisfactorily completes his period of
959 supervision, the court shall release the defendant
960 to the custody of the Office of Adult Probation
961 under such conditions as the court shall order or
962 shall dismiss such charges. Upon dismissal, all
963 records of such charges shall be erased pursuant
964 to section 54-142a. An order of the court denying
965 a motion to dismiss the charges against a
966 defendant who has completed his period of
967 probation or supervision or terminating the
968 participation of a defendant in such program shall
969 be a final judgment for purposes of appeal.

970 Sec. 17. This act shall take effect from its
971 passage, except that sections 13 and 14 shall take
972 effect September 1, 1998, and sections 1 to 11,
973 inclusive, and section 15 shall take effect
974 October 1, 1998.

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5321

STATE IMPACT See Explanation Below

MUNICIPAL IMPACT See Explanation Below

STATE AGENCY(S) Judicial Department

EXPLANATION OF ESTIMATES:

The bill would result in savings to the state by increasing the pool of individuals that could receive youthful offender status, and therefore, reduced criminal penalties. This would result in a savings to the criminal justice system that would be redistributed to other cases.

The bill could also result in a cost impact to the state by allowing the construction of a courthouse in Torrington. A courthouse is planned for the Litchfield Judicial District (which includes Torrington) but a site has not been finalized. The Department of Public Works and the Judicial Department are currently pursuing a site in Litchfield. SA 95-20, 22(r)(2) provides for the "planning for the development of Litchfield JD/GA court complex, including acquisition of land, not exceeding \$4,000,000." These funds have not yet been expended. Potentially changing the site to Torrington instead of Litchfield could affect the total cost impact to the state, but the extent of any change is unknown.

The remainder of the bill increases efficiency in the processing of cases and workload within the Judicial Department and does not result in a cost to the state.

House "A" added the impact associated with the courthouse in Torrington.

House "B" eliminated the change in jury service postponements and did not result in a fiscal impact.

House "C" added the provision concerning business entry evidence in Family Support cases and did not result in a fiscal impact. It also added the impact associated with changing Accelerated Rehabilitation eligibility.

* * * * *

OLR BILL ANALYSIS

sHB 5321(as amended by House "A," "B," and "C")*

AN ACT CONCERNING COURT OPERATIONS AND PROCEDURES

SUMMARY: This bill makes a number of changes to Superior Court procedures and operations. It (1) gives judicial employees access to all Judicial Department records necessary to perform their duties; (2) makes several jury-related changes including allowing people to be excused if they have served once during the past three years instead of two and allowing the jury administrator to cancel juror service in certain circumstances; (3) seals all records, not just the charging documents, in youthful offender (YO) and pretrial alcohol education cases and gives the subject of a YO record access to it once he turns 18 or becomes emancipated; (4) expands the cases going directly to the Supreme Court on appeal to include class A felonies and those with terms of imprisonment of over 20 years; and (5) allows people given YO status before October 1, 1995 to receive accelerated rehabilitation.

The bill also moves Newington, Rocky Hill, and Wethersfield from the Hartford Judicial District (JD) to the New Britain JD, which will become operational on September 1, 1998; authorizes the Judicial Branch to fund a court location in Torrington; makes the service of civil process in a defective highway case the same as service in other civil cases; requires automatic dismissal of motor vehicle infractions and violations seven years after they are referred to the commissioner of motor vehicles for revocation of the offender's drivers license and registration; allows certain

health-care records to be admitted as evidence in divorce, paternity, custody, and support proceedings without calling the record's creator to testify; and allows a court reporter to file proceedings with the court clerk's designee as well as the clerk.

*House Amendment "A" adds the provision concerning the Torrington court location.

*House Amendment "B" deletes a provision in the original file that would have allowed multiple postponements of jury duty provided the total postponement did not exceed one year and allows emancipated minors to have access to their YO records.

*House Amendment "C" allows the Family Support Magistrate Division to receive business record evidence and allows someone who was granted YO status before October 1, 1995 to receive accelerated rehabilitation.

EFFECTIVE DATE: October 1, 1998, except the provisions concerning the New Britain JD take effect September 1, 1998 and the provision allowing the jury administrator to cancel jury service takes effect upon passage.

FURTHER EXPLANATION

Record Access

The bill gives all Judicial Department employees, when performing their duties, access to all department records. But this access does not include the employees or the records of the probate court or the Public Defender Services Commission.

Jury Service

Under the bill, beginning September 1, 1999, people called for jury duty must be excused, upon their request, if they have been called and not excused from jury service during the preceding three years; currently, the time frame is two years.

By law, the jury administrator creates a jury pool list from voter, licensed driver, unemployment compensation recipient, and state personal income taxpayer lists. The Department of Revenue Services commissioner must supply the last list. The bill specifies that the

commissioner list people who filed income tax returns for the last tax year rather than everyone who must pay state income taxes.

The bill allows the jury administrator to cancel jury service for any juror for good cause, including situations where (1) the called juror's town of residence is switched to a different JD than the one to which he was originally called and (2) there is a reduced need for jurors. If jury service is canceled for the latter reason, the jury administrator must select people for cancellation on a random basis.

Supreme Court Jurisdiction

Certain cases, such as death penalty cases, are appealed directly to the Supreme Court, bypassing the Appellate Court. This bill includes in these cases appeals of convictions for class A felonies or other felonies, including persistent offender status, with a possible maximum sentence of more than 20 years. (Persistent offenders are those whose repeat offense histories make them subject to increased penalties.)

Sealed Records

By law, when a youth (someone age 16 or 17) is granted YO status or a person charged with DWI is admitted to the pretrial alcohol education program the information or complaint (charging documents) is sealed and no longer public. If the person successfully completes his program and does not offend again, the information is never made public. In these situations the bill seals the whole court record, not just the information or complaint.

YO records are available to criminal justice and treatment personnel, the youth's attorney, and his parent's or guardian. The bill allows a youth access to his records once he turns 18 or becomes emancipated, and takes it away from his parents or guardian when he reaches 18. It also gives access to an attorney representing the child in any proceeding where the records are relevant. The bill requires a youth seeking access to provide proof of his identity in accordance with guidelines established by the chief court administrator.

The bill allows anyone who was granted YO status prior to October 1, 1995 to receive accelerated rehabilitation (AR). Major juvenile justice reform legislation which took effect on October 1, 1995 (PA 95-225) prohibits granting AR to anyone previously adjudged a youthful offender. It also prohibits granting YO status to serious juvenile offenders and serious juvenile repeat offenders, two special classes of offenders established by the act and subject to potentially more serious sanctions.

New Britain Judicial District

Pursuant to legislation initially passed in 1988, the Judicial District of Hartford-New Britain is to be divided into two JDs: the Hartford JD and the New Britain JD. This change is scheduled to take effect September 1, 1998. The bill moves the towns of Newington, Rocky Hill, and Wethersfield from the Hartford JD to the New Britain JD.

It also makes related changes to allow people living in Rocky Hill or Wethersfield to file civil lawsuits in either the Hartford or New Britain JD. It extends this right to people who own land in these towns if the lawsuit involves land issues. Residents or landowners in Newington already have that option.

Torrington Court Location

Current law authorizes the chief court administrator to establish times and places for the Superior Court to meet in Torrington, which is part of the Litchfield JD, provided suitable accommodations are made available without state expense. This bill removes this condition, thereby allowing the state to pay for court facilities in Torrington.

Defective Highway Notice

By law, when a town fails to keep a highway in proper repair or free of encroachments, six or more citizens can institute a proceeding in Superior Court by filing a written complaint. The court must make an inquiry, set a time and place for a hearing, and give notice to the selectmen or person maintaining the encroachment. The bill eliminates the court's duty to provide notice and instead requires the court clerk to provide notice

documents to the complainants or their attorney for service on the appropriate parties by a person authorized to serve civil process.

Infraction and Violation Dismissal

The law requires the court to notify the Department of Motor Vehicles if a person charged with a motor vehicle infraction or violation, other than DWI or certain other serious offenses, fails to appear in court or pay the fine. The commissioner must then revoke the person's motor vehicle registration and operator's license until he appears to answer the charge. The bill states that these infractions and violations are automatically dismissed if they are not disposed of within seven years after the notice is sent.

Other Changes

The bill allows signed reports and bills of health care providers to be submitted as business entry evidence without calling the professional to testify in dissolutions of marriage, annulments, custody or support proceedings, and similar family relations proceedings and in proceedings in the Family Support Magistrate Division. Such evidence is used to establish that the party was treated by the professional, and it is already allowed in suits concerning personal injury or death.

Finally, the bill allows a court reporter to file a trial transcript with a designee of the court clerk rather than having to file it directly with the clerk.

BACKGROUND

Youthful Offender Status

YO status allows the court to erase the criminal records of first-time youthful offenders (16- and 17-year-olds) who successfully complete a court-imposed sentence, such as probation or community service. A youth is ineligible if he committed a class A felony or first degree aggravated assault or was previously convicted of a felony or adjudged a serious juvenile offender or serious juvenile repeat offender.

Accelerated Rehabilitation

The accelerated pretrial rehabilitation program is for people accused of nonserious crimes or motor vehicle violations who have no prior convictions or specified motor vehicle violations, have not previously been adjudged a youthful offender, and who the court believes are unlikely to reoffend in the future. The program allows them to waive trial and be paced on probation for up to two years and then to have all charges dismissed upon successful completion of probation.

Family Support Magistrates (FSM)

FSMs are quasi-judicial officers. They are not judges but perform some judicial functions. Their jurisdiction extends to IV-D child support cases which include both public assistance recipients and those who have paid a fee and applied for state assistance in collecting child support. FSMs establish, modify (sometimes subject to Superior Court review), and enforce child and spousal support orders and hear IV-D paternity proceedings.

Emancipation of a Minor

Emancipation is a legal determination by a court that a minor be considered independent from his parents. Emancipation frees a minor and his parents from the legal obligations and controls that normally govern their relationship.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 31 Nay 0